United Nations A/C.5/54/SR.45

General Assembly
Fifty-fourth session

Official Records

Distr.: General
14 January 2000

Original: English

Fifth Committee

Summary record of the 45th meeting
Held at Headquarters, New York, on Friday, 10 December 1999, at 10 a.m.

Chairman: Mr. Darwish (Vice-Chairman) ..... (Egypt)
Chairman of the Advisory Committee on Administrative And Budgetary Questions: Mr. Mselle

Contents

Agenda item 142: Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Agenda item 143: Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Agenda item 151: Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations (*continued*)

(a) Financing of the United Nations peacekeeping operations (*continued*)

Agenda item 117: Financial reports and audited financial statements, and reports of the Board of Auditors (*continued*)

Organization of work

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

99-82659 (E)

The meeting was called to order at 10.05 a.m.

Agenda item 142: Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/54/120, A/54/395, A/54/518 and Corr.1 and A/54/645; A/C.5/54/30)

Agenda item 143: Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (A/54/30, A/54/496 and Corr.1, A/54/521 and A/54/646; A/C.5/54/30)

1. **Mr. Mselle** (Chairman of the Advisory Committee on Administrative and Budgetary Questions) introduced the reports of the Advisory Committee on the proposed requirements for 2000 and the budget performance for 1998 of the International Tribunal for the Former Yugoslavia (A/54/645) and the International Criminal Tribunal for Rwanda (A/54/646 and Add.1). The Advisory Committee had made recommendations on survivors' benefits for the judges of the two Tribunals (A/54/646, para. 75).

2. The Advisory Committee had had to consider the reports on the two Tribunals under great time pressure because the estimates had not been submitted by 1 October, as the Advisory Committee had requested. There was no excuse for the late submission of those reports. The Advisory Committee recommended that the financial period for the two Tribunals should be formalized (A/54/645, para. 76). Moreover, because the report of the Expert Group established pursuant to General Assembly resolution 53/212 had not been submitted by the Secretary-General until 17 November, the Advisory Committee had been unable to benefit from the Group's report in preparing its own reports. Paragraph 3 of each of the Advisory Committee's reports indicated how the Group's report should be handled.

3. In paragraph 4 of its report on the International Tribunal for the Former Yugoslavia (A/54/645), the Advisory Committee recommended that the unencumbered balance of $2.7 million gross should be credited to Member States. In reviewing the estimates for 2000 for that Tribunal, the Advisory Committee had taken into account the projected saving of $8.2 million. For the International Criminal Tribunal for Rwanda, the performance report for 1998 showed an over-expenditure of $2.2 million. The relevant comments of the Advisory Committee were contained in paragraphs 6 to 9 of document A/54/646; in particular, he drew attention to the specific comments contained in paragraphs 8 and 9.

4. Some progress had been made in addressing the concerns expressed previously by the Advisory Committee. For example, vacancy rates had been reduced in both Tribunals. However, although the preparation of workload indicators had improved somewhat, considerable work remained to be done by the two Tribunals. In submitting its recommendations, the Advisory Committee had paid close attention to the needs of the Chambers, the Office of the Prosecutor, court and judicial management resources and language and documentation services, and had recognized that the workload in the area of appeals had increased. The Advisory Committee had taken a more conservative stance with respect to administrative and management areas of the Registries, in which the introduction of new technology and of streamlined procedures and processes could enhance productivity and obviate the need for additional resources. In cases where vacancies were still above normal attrition rates, the Advisory Committee had concluded that additional staff capacity could not be determined until the current vacancy rates were further reduced.

5. For the International Tribunal for the Former Yugoslavia, the number of posts requested by the Secretary-General and the related recommendations of the Advisory Committee were summarized in paragraphs 15 and 77 of document A/54/645. For the International Criminal Tribunal for Rwanda, the corresponding recommendations were summarized in paragraph 12 of document A/54/646 and in A/54/646/Add.1.

6. **Ms. Trönningsdal** (Finland), speaking on behalf of the European Union and the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, said that she was deeply concerned about the fact that the very late issuance of the reports of the Secretary-General on the two

Tribunals had made it difficult for the Advisory Committee and the Fifth Committee to give them the in-depth consideration they required. She also deeply regretted that the report of the Expert Group established pursuant to General Assembly resolutions 53/212 and 53/213 had not been submitted by the deadline of 1 November 1999, since that had made it impossible to take informed decisions on the proposals. That report should be submitted to the General Assembly as soon as possible.

7. The length of detention was a matter of concern with respect to both Tribunals. She noted the Advisory Committee's view that a mere increase in resources would not significantly alleviate that problem unless corresponding judicial measures were taken. Such measures should include steps to ensure the full and effective use of the Tribunals' facilities. She also noted that the Expert Group had given advice on possible measures in that regard (A/54/646, para. 25). Considering the large increase in the workload of the International Tribunal for the Former Yugoslavia over the last year and the conversion of the exhumation projects from extrabudgetary resources to the assessed budget, the proposed budget requirements for the Tribunal were reasonable. She was pleased that the Tribunal had followed up on the recommendations of the internal and external oversight bodies and of the Advisory Committee (A/54/518, annex VII).

8. The International Criminal Tribunal for Rwanda had faced a series of administrative problems over the years. As the President of the Tribunal had told the General Assembly on 8 November 1999, a better organized and more supportive court management system was urgently needed, and the autonomy asserted by the Registrar at times had an impact on the ability of the Chambers and the Office of the Prosecutor to work independently and to control the pace and quality of their work. The European Union was concerned about unsolved administrative problems such as those relating to financial control and accountability. Recommendations in that regard, particularly those of the Office of Internal Oversight Services (OIOS), should be fully implemented. Information on the Tribunal's compliance with OIOS recommendations and on the expenditure of voluntary contributions should have been provided in the annexes to the budget proposals, and should be provided to the Fifth Committee at the current stage, along with the most recent figures on vacancy rates and a breakdown of the vacancies filled.

9. The European Union strongly supported the important work of the two Tribunals. However, in the absence of the Expert Group report and in view of the delayed issuance of the budget documents and the shortage of time, the Committee had little choice but to revert to the subject at the resumed session. She hoped that the Advisory Committee's comments on the Expert Group report would be made available early enough to enable the Committee to take an informed decision at that stage. Meanwhile, the General Assembly would have to take an interim decision enabling the Tribunals to continue to function until a final decision was taken.

10. **Mr. Zhou Qiangwu** (China) said that he shared the European Union's concerns about the late submission of the Secretary-General's report on the International Tribunal for the Former Yugoslavia. The Secretariat should explain the reasons for the delay. He was concerned about the 6.5-per-cent increase in the resources proposed for 2000 and about the proposals to add 98 new posts in the Office of the Prosecutor and the Registry and to reclassify 14 posts, and asked for an explanation. Lastly, he was concerned to note that over 300 gratis personnel were working for the Tribunal, and asked for clarification.

Agenda item 151: Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations (*continued*)

(a) Financing of the United Nations peacekeeping operations (*continued*)

11. **Mr. Yel'chenko** (Ukraine) said that his Government had requested in 1993 that Ukraine should be relocated from group B to group C in the scale of assessments applicable to peacekeeping operations. The transition had begun in 1996, following the adoption of General Assembly resolution 50/224, but had not been completed until 1999.

12. The General Assembly had decided in decision 49/470 that any arrears of Ukraine as at 1 January 1995 and for 1995 in the financing of peacekeeping operations should be considered as being due to conditions beyond its control and that, accordingly, the question of the applicability of Article 19 in that respect would not arise. That decision reflected the fact that, as a result of the redistribution of the assessment of the former Union of Soviet Socialist Republics in

1992, Ukraine's rate of assessment, and hence its peacekeeping assessments, had far exceeded its capacity to pay. Indeed, because of its economic and financial difficulties, Ukraine had accumulated a huge amount of arrears, particularly in respect of peacekeeping, during the period between the adoption of General Assembly resolution 50/224 and the completion of its transition to group C.

13. The problem of those new arrears had not been adequately addressed. In fact, implementation of General Assembly decision 49/470 in the context of the Financial Regulations and Rules of the United Nations rendered it impossible for Ukraine to make the minimum payment of $15.8 million required by the end of 1999 in order to avoid the application of Article 19 in 2000. Ukraine's total assessments for peacekeeping operations established since 1996 and for the tribunals amounted to $11.9 million. Any additional amount paid by Ukraine would be offset against its earliest assessed contributions prior to 1996, rather than being counted against the minimum payment due of $15.8 million. Because of that anomaly, it stood to lose its voting rights in the General Assembly.

14. Ukraine had endeavored to reduce its arrears and had entirely paid off its outstanding regular budget contributions. It was committed to the purposes and principles of the Charter, as was demonstrated by its contribution of troops and equipment to peacekeeping operations. In 1996, it had voluntarily renounced its nuclear arsenal. His delegation did not contest Ukraine's obligation to pay its arrears. However, it wished to propose that the Fifth Committee should consider a draft decision providing that all financial contributions of Ukraine to the Organization should be counted against the minimum payment required to avoid the loss of voting rights in the General Assembly under the provisions of Article 19. The text of the draft decision was contained in the annex to the aide-mémoire circulated informally. He wished to emphasize that the adoption of the draft decision would not create a precedent, since it would be applicable to only one other Member State, namely, Belarus. Clearly, action must be taken on the draft decision prior to 1 January 2000.

15. **Mr. Sychov** (Belarus) said that the main reason for his country's arrears had been the sharp increase in its rate of assessment from 1993 to 1994, following the redistribution of the assessments of the former Union of Soviet Socialist Republics. In addition, peacekeeping assessments had risen dramatically during that period because of the establishment of a large number of new peacekeeping operations so that, as at 1 January 1996, Belarus' total assessment for peacekeeping operations had stood at almost $46 million.

16. The General Assembly had taken a number of steps to bring the Republic's rate of assessment into line with its capacity to pay. Thus, in September 1995, it had adopted decision 49/249 B, in which it had decided to place Belarus in group C. He wished to express gratitude in that connection to Portugal, which had been relocated to group B. The Assembly had also decided in decision 49/470 to consider any arrears of Belarus as at 1 January 1995 and for 1995 in the financing of peacekeeping operations as being due to conditions beyond its control.

17. Regrettably, the process of transferring Belarus from group B to group C had taken almost 3 years, during which time it had accumulated substantial arrears despite making sufficient payments to both the regular and peacekeeping budgets to avoid the application of Article 19. Belarus was about to make a payment of more than $4 million to the Organization, which would fully cover its regular budget assessments, its assessments for the two tribunals and all its outstanding assessments for peacekeeping operations that had begun after 1 January 1996. Yet, because of the anomaly described by the representative of Ukraine, the Republic faced losing its vote in the General Assembly for purely technical reasons.

18. He therefore trusted that the Committee would give serious consideration to the proposal jointly submitted by his delegation and that of Ukraine with a view to taking action before 1 January 2000.

19. **The Chairman** said that the Bureau would consider the request by the representatives of Ukraine and Belarus.

20. **Mr. Sareva** (Finland), speaking on behalf of the European Union, said that his delegation was aware of the continuing economic difficulties faced by Ukraine and Belarus. However, General Assembly decision 49/470 did not amount to a write-off of their peacekeeping arrears. Indeed, the General Assembly had called upon Ukraine and Belarus in that decision to prepare proposals for the treatment of their arrears. It was regrettable that they had not done so. He wished to encourage those countries once again to submit an instalment plan envisaging the payment of all arrears within a

reasonable period of time. He trusted that, in future, the Committee would be given adequate time to consider the issue.

21. **Mr. Sial** (Pakistan) said that, while his delegation attached great importance to the payment of assessed contributions on time and in full, it recognized that the arrears incurred by Ukraine and Belarus in respect of peacekeeping operations were due to their economic difficulties and to the cumbersome decision-making process of the United Nations. It was also cognizant of the fact that the amount of those arrears far exceeded the capability of those countries to pay. Nevertheless, it noted with satisfaction their commitment to pay their arrears and their willingness to submit payment plans to that end. They were to be commended for having taken steps to pay their outstanding regular budget contributions. His delegation would support the adoption of the draft decision contained in the annex to the aide-mémoire circulated informally.

22. **Mr. Medina** (Morocco) said that his delegation would also support the adoption of the draft decision. It well understood the circumstances that had caused the two countries to accumulate such substantial arrears.

Death and disability benefits (A/C.5/54/13)

23. **Mr. Mselle** (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that document A/C.5/54/13 contained the Secretary-General's ninth quarterly report on death and disability claims and had been submitted in accordance with General Assembly resolution 51/239 A. The eighth quarterly report (A/C.5/53/66) had indicated that, as at 31 March 1999, 222 claims had been awaiting processing; that number had increased to 285 as at 30 June and to 317 as at 30 September 1999 (A/C.5/54/13, para. 4). Between 31 March and 30 September 1999, 117 claims had been processed; however, 212 new claims had been received. The Secretariat should monitor the situation carefully to ensure that the backlog previously identified, which had amounted to 564 as at 19 May 1997, did not begin to build up again. The failure to employ more resources in that regard could result in such a situation, as shown by the increase in the number of pending claims between 31 March and 30 September 1999. Subject to those observations, the Advisory Committee recommended that the General Assembly should take note of the note by the Secretary-General.

24. **Mr. Wharton** (United States of America) asked for clarification of the headings of the last two columns in tables A and B of the annex to document A/C.5/54/13, which did not seem to coincide with the information in the rest of the document.

25. **Mr. Yeo** (Director, Peacekeeping Financing Division) said that the Advisory Committee had been informed previously of the errors in the headings of the last two columns, which should read, "Claims processed from 19 May 1997 to 30 September 1999" and "Total claims awaiting processing", respectively.

26. **The Chairman** suggested that the Committee should recommend to the General Assembly that it should take note of the note by the Secretary-General on death and disability benefits (A/C.5/54/13).

27. *It was so decided.*

Placement of new Member States for peacekeeping assessments

28. **The Chairman** recalled that the Chairman of the Committee on Contributions had drawn the attention of the Fifth Committee to the need to fix rates of assessment for the three States admitted to membership in the United Nations on 14 September 1999, namely, the Republic of Kiribati, the Republic of Nauru and the Kingdom of Tonga. He understood that the issue had been considered in the informal consultations on agenda item 125, Scale of assessments for the apportionment of the expenses of the United Nations. In order for the new Member States to be assessed for their share of the cost of United Nations peacekeeping operations, it would be necessary to place them in one of the groups of Member States set out in General Assembly resolution 43/232. He therefore suggested that he should convene a brief informal meeting for that purpose following the adjournment of the current meeting.

29. *It was so decided.*

Agenda item 117: Financial reports and audited financial statements, and reports of the Board of Auditors (*continued*) (A/C.5/54/L.15)

Draft resolution A/C.5/54/L.15

30. **The Chairman** invited the Committee to take action on draft resolution A/C.5/54/L.15, which had been submitted on his behalf by the representative of Zimbabwe.

31. *Draft resolution A/C.5/54/L.15 was adopted.*

Organization of work

32. After an extensive discussion of the Committee's programme of work in which Mr. Nakkari (Syrian Arab Republic), Ms. Aragon (Philippines), Mr. Barnwell (Guyana), Mr. Odaga-Jalomayo (Uganda), Mr. Medina (Morocco), Mr. Sial (Pakistan), Ms. Buergo-Rodriguez (Cuba), Ms. Achouri (Tunisia), Mr. Yusuf (United Republic of Tanzania), Ms. Petrosini (Venezuela), Mr. Zhou Qiangwu (China), Mr. Fox (Australia), Mr. Yel'chenko (Ukraine), Mr. Diaz (Costa Rica) and Mr. Sareva (Finland) took part, the Chairman said that the Bureau was conscious of the demands which the Committee's heavy workload placed on delegations, particularly the smaller delegations. He was therefore grateful for the flexibility which members had shown in agreeing to continue their informal consultations not only in night meetings during the current week but also on both days of the weekend of 11 to 12 December.

The meeting rose at 12.15 p.m.